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567	Facsimile: (925) 945-1975 Attorneys for E. I. du Pont de Nemours and Company			
8 9 10	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA			
11 12 13	E. I. DU PONT DE NEMOURS AND COMPANY, Plaintiff, Case No. 3:11-cv-01665-JSW JOINT STATUS REPORT AND PROPOSED!-ORDER EXTENDING STAY OF ACTION			
14 15 16 17	v. USA PERFORMANCE TECHNOLOGY, INC., PERFORMANCE GROUP (USA), INC., WALTER LIEW, and JOHN LIU, Defendants.) Judge: Hon. Jeffrey S. White Hearing Date: None			
19 20 21 22 23 24 25 26 27 28	Pursuant to the Court's July 12, 2013 Order, Plaintiff E. I. du Pont de Nemours and Company ("DuPont") and defendants Walter Liew and USA Performance Technology, Inc. (collectively "USAPT") submit this Joint Status Report. The parties request that the stay in thi matter set to expire on September 17, 2013, remain in place for an additional 60 days, through November 18, 2013. On April 6, 2011, DuPont filed the instant suit. (Docket # 1.) Defendants filed their Substituted Answer and Counterclaim on July 11, 2011. (Docket # 35.) The action was first stayed on July 22, 2011. (Docket # 39.)			
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1	On August 23, 2011, the United States filed <i>United States v. Walter Liew and Christina</i>		
2	Liew, No. CR-11-0573-RS. On February 7, 2012, the United States filed a superseding		
3	indictment in said action. (Id. at Docket # 64.) On March 12, 2013, the United States filed a		
4	Second Superseding Indictment. (<i>Id.</i> at Docket # 269.)		
5	<u>DuPont's Position</u> : The second superseding indictment alleges that defendant Walter		
6	Liew, his wife, Christina Liew, and several other individual defendants violated multiple feder		
7	trade secret and economic espionage laws when they stole – and utilized – the trade secrets at		
8	issue in this action. <i>Inter alia</i> , Mr. Liew is charged with Conspiracy to Commit Economic		
9	Espionage, Conspiracy to Commit Theft of Trade Secrets, Possession of Trade Secrets,		
10	Conveying Trade Secrets, Witness Tampering, and False Statements. (See id. ¶¶ 16-97.) In		
11	addition, the second superseding indictment identifies five DuPont trade secrets relating to its		
12	TiO2 technology at issue in the criminal action. (Id. \P 14.) The second superseding indictment		
13	also names various of the Pangang Companies and charges them with 1) Conspiracy to Commit		
14	Economic Espionage, 2) Conspiracy to Commit Theft of Trade Secrets, and 3) Attempted		
15	Economic Espionage. (Id. ¶¶ 9-10, 17, 22-31, 39-40, 45, 52-54, 57-58.)		
16	<u>USAPT's Position</u> : Defendants believe that the second superseding indictment speaks fo		
17	itself, and no further explanation or commentary is appropriate or needed.		
18	History Relating to the Stay in this Action		
19	On September 7, 2011, this Court issued an Order relating the criminal proceeding with		
20	this action, pursuant to its determination that this action and the criminal proceeding are related		
21	within the meaning of Crim. L.R. 8-1(b). (Docket # 42.) ¹		
22	On September 23, 2011, the parties filed a joint status report requesting that the stay		
23	initially entered on July 22, 2011 (Docket # 39), be extended for an additional 60 days. (Docket		
24	# 44.) On September 29, 2011, the Court granted the parties' request. (Docket # 45.)		
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27	On September 16, 2011, DuPont dismissed without prejudice defendant John Liu pursuant to Federal Rule of Civil Procedure 41(a)(1). (Docket # 43.) Thus, the only remaining defendants		
28	in this action are Walter Liew and his companies, USA Performance Technology Inc. and Performance Group, Inc.		

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1	On November 23, 2011, the parties filed an additional joint status report requesting that		
2	the stay be extended for an additional 60 days. (Docket # 46.) The Court granted the parties'		
3	request on November 29, 2011. (Docket # 48.)		
4	On January 24, 2012, the parties filed an additional joint status report requesting that the		
5	stay be extended for an additional 60 days. (Docket #49.) The Court granted the parties'		
6	request on January 31, 2012. (Docket # 50.)		
7	On March 26, 2012, the parties filed an additional joint status report requesting that the		
8	stay be extended for an additional 60 days. (Docket # 51.) The Court granted the parties'		
9	request on March 27, 2012. (Docket # 52.)		
10	On May 23, 2012, the parties filed an additional joint status report requesting that the		
11	stay be extended for an additional 60 days. (Docket # 53). The Court granted the parties'		
12	request on May 23, 2012. (Docket # 54).		
13	On July 23, 2012, the parties filed an additional joint status report requesting that the sta		
14	be extended for an additional 60 days. (Docket # 55). The Court granted the parties' request on		
15	July 24, 2012. (Docket # 56).		
16	On September 21, 2012, the parties filed an additional joint status report requesting that		
17	the stay be extended for an additional 60 days. (Docket # 57). The Court granted the parties'		
18	request later that day. (Docket # 58).		
19	On November 20, 2012, the parties filed an additional joint status report requesting that		
20	the stay be extended for an additional 60 days. (Docket # 59). The Court granted the parties'		
21	request later that day. (Docket # 60).		
22	On January 18, 2013, the parties filed an additional joint status report requesting that the		
23	stay be extended for an additional 60 days. (Docket # 61). The Court granted the parties'		
24	request later that day. (Docket # 62).		
25	On March 26, 2013, the parties filed an additional joint status report requesting that the		
26	stay be extended for an additional 60 days. (Docket # 63). The Court granted the parties'		
27	request later that day. (Docket # 64).		
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1	On May 20, 2013, the parties filed an additional joint status report requesting that the		
2	stay be extended for an additional 60 days. (Docket # 65). The Court granted the parties'		
3	request on May 21, 2013. (Docket # 66).		
4	On July 12, 2013, the parties file	d an additional joint status report requesting that the stay	
5	be extended for an additional 60 days. (Docket # 67). The Court granted the parties' request		
6	later that day. (Docket # 68).		
7	The undersigned counsel request that the stay remain in place for an additional 60 days,		
8	at which time the parties will update the	Court.	
9			
10	Dated: September 10, 2013	GLYNN & FINLEY, LLP	
11		CLEMENT L. GLYNN MORGAN K. LOPEZ	
12		JONATHAN A. ELDREDGE One Walnut Creek Center 100 Pringle Avenue, Suite 500	
13		Walnut Creek, CA 94596	
14		By /s/ Morgan K. Lopez	
15		Attorneys for Plaintiff	
16	Dated: September 10, 2013	MOUNT & STOELKER, P.C. DANIEL S. MOUNT	
17		ON LU KEVIN M. PASQUINELLI	
18		RiverPark Tower, Suite 1650 333 West San Carlos Street	
19		San Jose, CA 95110-2740	
20		By /s/ Daniel S. Mount Attorneys for Defendants USA Performance	
21		Technology, Inc., and Walter Liew	
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1	[PROPOSED] ORDER	
2	Having read and considered the Joint Status Report,	
3	IT IS ORDERED THAT:	
4	The parties' request that the stay be extended until November 18, 2013-is hereby	
5	GRANTED. Counsel shall submit a joint status report on or before Nevember 11, 2013.	
6	Due to this Court's unavailability the week of November 18, 2013 and the Thanksgiving Holiday, the Court extends the stay until December 6, 2013. The parties shall file a joint status report on or before	
7	December 2, 2013.	
8	September 23, 2013	
9	Hongrable Telfred S. White UNIVED SYATES DISTRICT JUDGE	
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